

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. 4:05CR173 MAC/DDB
	§	
JERRY MATTHEWS GRIFFIN (6)	§	

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on March 30, 2016, to determine whether Defendant violated his supervised release. Defendant was represented by Frank Henderson. The Government was represented by Camelia Lopez.

On October 18, 2006, Defendant was sentenced by the Honorable Marcia A. Crone, United States District Judge, to a sentence of 102 months imprisonment followed by a 3-year term of supervised release for the offense of Conspiracy to Distribute or Dispense or Possess with Intent to Distribute or Dispense Cocaine Base and Marijuana. Defendant began his term of supervision on March 8, 2013.

On February 22, 2016, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender under Supervision (the "Petition") (Dkt. 951). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall refrain from any unlawful use of a controlled substance; (2) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any other controlled substance or any paraphernalia

related to any controlled substances, except as prescribed by a physician; and (3) Defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

The Petition alleges that Defendant committed the following violations: (1) Defendant submitted urine specimens on October 29, December 14, 16, 21, and 28, 2015, which tested positive for marijuana. Alere Laboratories Toxicology Interpretation Report indicates Defendant reused marijuana prior to the December 14, 21, and 28, 2015, collections. The December 16, 2015, results were inconclusive; (2) On October 29, 2015, Defendant was instructed by Senior U.S. Probation Officer Linda Werner to not have contact with Shonta Grover, his ex-girlfriend, due to the relationship being unhealthy and numerous contacts made to law enforcement regarding incidents that occurred between Defendant and Ms. Grover. During an unannounced home visit on November 10, 2015, Ms. Grover's vehicle was parked at his residence, a woman's clothing was found in Defendant's apartment, and someone was in the restroom at the time of the visit who was believed to be Ms. Grover.

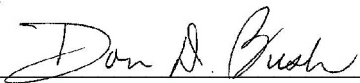
At the hearing, Defendant entered a plea of true to the allegations. Defendant waived his right to allocute before the district judge and his right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of his supervised release.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the March 30, 2016 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of six (6) months, with no supervised

release to follow. Defendant was ordered to surrender to the Collin County Jail by 5:00 p.m. on March 30, 2016.

SIGNED this 7th day of April, 2016.



DON D. BUSH
UNITED STATES MAGISTRATE JUDGE